

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 14772 of 2004

Between:

M.S. Walter Traders, 9-40/A, Lalithanagar Dilsukhnagar,
Hyderabad rep by Managing Partner Sri K. Ravinder.

... PETITIONER

AND

1 The Divisional Forest Officer, Chittoor East Wild Life

Division, Chittoor.

2 The Forest Range Officer, Chittoor District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any appropriate Writ, order or Direction more particularly one in the nature of Writ of Mandamus declaring the notice in Rc. No. 43/03/G2 dated 9-8-2004 of the respondent NO. 1 herein as arbitrary, illegal and without jurisdiction and consequently direct the respondents herein to issue the transit permits to the

petitioner firm for 134 metric tonners of non-graded red sanders forthwith in the interest of justice.

Counsel for the Petitioner: MR.V.TULASI REDDY

Counsel for the Respondents: GP FOR FORESTS

The Court at the admission stage made the following Order:

ORDER:

Admittedly, petitioner was allotted Non-graded Red Sander Wood from the Central Red Sanders godowns in Chittoor East and Rajampet Divisions as per the conditions specified in Proceedings No.43/2003/G2, dated 11-08-2004 of the first respondent, stating that the stock has to be lifted by the petitioner within seven days and that the transportation shall be through the specified route mentioned in the permits. On such payment of the amount, petitioner requested for issue of permit for transportation of the said stock. However, the same was refused on the ground that the petitioner has to submit the copy of the Authorized permission issued by the destination Divisional Forest Officer where the Red Sanders material is desired to be transported. Such permission is required only in case Sandal Wood is purchased from out of state under Rule 4 of the A.P. Sandal Wood and Red Sanders Wood Transit Rules, 1969, but not for permit under Form II.

2. Learned Assistant Government Pleader, who took time for obtaining instructions, does not dispute the said fact.

3. In view of the same, respondents are directed to issue necessary transit permits to the petitioner firm for 134 metric tones of Non-grade Red Sanders, for enabling it to transport the same.

4. The Writ Petition is accordingly disposed of. No costs.

(A. GOPAL REDDY, J)

August 23, 2004

Note: Furnish copy by tomorrow

(B/o)

MRR/MURTHY

To:

1 The Divisional Forest Officer, Chittoor East Wild Life

Division, Chittoor.

2 The Forest Range Officer, Chittoor District.

3 Two C.Cs to the G.P for Forests, High Court Buildings, Hyderabad

(OUT).

4 Two C.D. Copies.